IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.3510 OF 2006

The State of Maharashtra. ..Applicant.
Vs.
Waman Kanu Parave and ors. ..Respondents.

Mrs. U.V.Kejriwal, A.P.P. for the Applicant.

CORAM: B.H.MARLAPALLE &
R.S. MOHITE, JJ.
DATED :12TH FEBRUARY, 2007

P.C.

1. Heard Mrs.Kejriwal, the learned A.P.P. for the Applicant. Perused the impugned order of acquittal passed by the 1st Adhoc Additional Sessions Judge,Raigad in Sessions Case No.4 of 2005. All the 14-accused came to be acquitted by the Trial Court for the offences punishable under Sections-147, 148, 325. 307, 504, and 506 read with 149 of the Indian Penal Code.

2. We are satisfied that the Trial Court did not commit any error in discarding the testimony of the complainant-Balkrishana Thite (P.W.1) and Keshav Parave (P.W.3). There appears to be previous animosity between the parties. In the evidence of the Investigating Officer Shri. Ravindra Chavan, it was revealed that the complainant Balkrishana Thite had not stated that the incident had taken place in front of the house of Devji Palve. The Chemical Analyst report at Exh.64 indicated

that there was no human blood on the weapons which were purportedly recovered. We are, therefore, satisfied that no case is made out to grant leave to file appeal under Section- 378(3) of the Code of Criminal Procedure.

3. Hence, application is rejected.

(R.S. MOHITE, J.) **(B.H. MARLAPALLE, J.)**